

SERIAL No. 09/353,831

In claims 7, line 1, delete "6" and insert - - 11 - -.

In claims 8 and 9, line 1, delete "1" and insert - - 11 - -.

REMARKS

Claims 3 - 5 and 7 - 11 remain in the application with claim 11 being the only independent claim.

With respect to the rejection of original claim 6 (now claim 11 rewritten in independent form), this rejection is respectfully traversed.

New claim 11, lines 18 - 20 requires,

"... a first element mounted behind said propeller,
a lever connecting said first element to a brake element,
said brake element being in contact with said shaft".

Neither the primary reference Pallone nor the secondary reference Koshalko discloses this structure. The examiner states in his Office action that Koshalko, "...teaches an air-propelled operated device comprising means for controlling the speed of a movable device. See col. 2, lines 78-87" While this is true, new claim 11 does not merely require "...means for controlling the speed of a movable device". Claim 11, lines 18 - 20 requires,

"... a first element mounted behind said propeller,
a **lever** connecting said first element to a brake element,

said brake element being in contact with said shaft” [Emphasis added].

Koshalko does not disclose a, “**lever** connecting said first element to a brake element”. Koshalko in col. 2, lines 79 - 82, states,

“When the wind pressure or velocity becomes too great, the shaft 11 slides and the collar 20 then forces the washer 19 against the upright 1. Resulting in a braking action...”

Obviously, the brake in Koshalko is the washer 19, and the collar 20 must be the “**lever** connecting said first element to a brake element” in order to reject the claim. However, the collar 20 can not be considered a “lever”. The American Heritage dictionary defines “lever” as “ A simple machine consisting of a rigid bar pivoted on a fixed point and used to transmit force, as in raising or moving a weight at one end by pushing down on the other”. The collar 20 of Koshalko does not consist of a rigid bar pivoted on a fixed point and used to transmit force”.

Therefore, original claim 6 (now claim 11) contains a limitation that is not disclosed by the combined references, used in the rejection, and the rejection is improper and should be withdrawn.

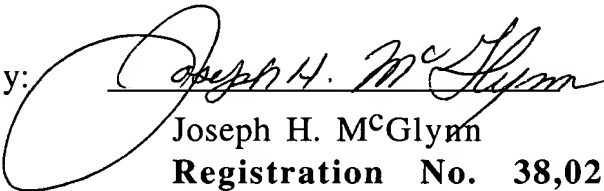
From the above mentioned remarks and amendments, the Examiner’s rejections and objections are thought to be overcome. Accordingly, this application is believed to be in condition for allowance.

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Therefore an early notice to this effect is respectfully requested.

Respectfully submitted,

Patent & Trademark Services, Inc. **TM**

By: 
Joseph H. McGlynn
Registration No. 38,028
6111 Saddle Horn Dr.
Fairfax, VA 22030
(703) 830-3534
FAX-(703) 830-5206